

EXHIBIT K

In The Matter Of:

In Re: CR Bard 200

Kimberly Allison, M.D.

October 30, 2014

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TIFFANY ALLEY
GLOBAL REPORTING
AND VIDEO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC MDL No. 2187
REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION

LYNDA BARNER and RODNEY BARNER, Civil Action File No.
Plaintiffs, 2:11-CV-00055
vs.
C.R. BARD, INC.,
Defendant.

TAMMY M. LAMBERT and DAVID W. LAMBERT,
Plaintiffs, Civil Action File No.
vs. 2:14-CV-12092
C.R. BARD, INC.,
Defendant.

PATSY LUTTRELL,
Plaintiff, Civil Action File No.
vs. 2:13-CV-03151
C.R. BARD, INC.,
Defendant.

SAUNDRA NEVELS and RANDY NEVELS, Civil Action File No.
Plaintiffs, 2:13-CV-01024
vs.
C.R. BARD, INC.,
Defendant.

BEVERLY PENNINGTON and WAYNE PENNINGTON,
Plaintiffs,
vs. Civil Action File No.
C.R. BARD, INC., 2:11-CV-00010
Defendant.

DEBORAH WHITE and RONNIE WHITE, Civil Action File No.
Plaintiffs, 2:11-CV-00234
vs.
C.R. BARD, INC.,
Defendant.

VIDEOTAPED EXPERT DEPOSITION OF KIMBERLY H. ALLISON, MD
October 30, 2014

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Kimberly Allison, M.D.

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2			2	WITNESS: KIMBERLY H. ALLISON, MD	
3	October 30, 2014		3	EXAMINATION	PAGE
4			4	BY MS. MOBERG	10
5	9:13 a.m.		6	INDEX OF EXHIBITS	
6			7	EXHIBIT	DESCRIPTION
7	Los Altos Room		8	#1	Notice of Deposition
8			9	#2	Dr. Allison's CV
9	100 El Camino Real		10	#3	Material Reviewed
10			11	#4	Invoice from Dr. Allison, Oct. 9th, 2014
11	Menlo Park, California		12	#5	Handwritten notes
12			13	#6	Rule 26 Expert Report of Kimberly H. Allison, MD
13	ALICE CHANG, RPR, CSR No. 13654		14	#7	Plaintiffs' Designation and Disclosure of General Expert Witnesses Applicable to All Wave 1 and Wave 2 Cases
14			15	#8	Exhibit C spreadsheet
15			16	#9	Wound Closure Biomaterials and Devices
16			17	#10	Position Statement on Mesh Midurethral Slings for Stress Urinary Incontinence
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1	APPEARANCES OF COUNSEL		1	explants	
2	For the Plaintiffs:		2	#13	Materials Characterization of Explanted Polypropylene Hernia
3	BEASLEY ALLEN		3		Meshes
4	BY: P. LEIGH O'DELL, ESQ.		4	#14	Characterization of Heavyweight and Lightweight Polypropylene
5	234 Commerce Street		5		Prosthetic Mesh Explants From a
6	PO Box 4160		6		Single Patient
7	Montgomery, AL 31603		7		
8	334.269.2343		8		
9	334.954.7555 (Fax)		9		
10	leigh.odell@beasleyallen.com		10	#15	Basic science and clinical aspects of mesh infection in
11			11		pelvic floor reconstructive
12	For the Defendant C.R. Bard, Inc.:		12		surgery
13	REED SMITH, LLP		13	#16	Photograph of Pennington slide, S11-15871 A1 2x
14	BY: MARILYN A. MOBERG, ESQ.		14		
15	355 South Grand Avenue		15		
16	Suite 2900		16		
17	Los Angeles, CA 90071		17	#17	Photograph of Pennington slide, S11-15871 A1 4x S100
18	213.457.8035		18		
19	213.457.8080 (Fax)		19	#18	Photograph of Pennington slide, S11-15871 A1
20	mmoberg@reedsmith.com		20		
21			21		
22	REED SMITH, LLP		22	#19	Photograph of Pennington slide, S11-15871 A1 10x
23	BY: MARK A. SENTENAC, ESQ.		23		
24	101 Second Street		24	#20	Photograph of Pennington slide, S11-15871 A1
25	Suite 1800		25		
	San Francisco, CA 94105				
	415.659.5957				
	415.391.8269				
	msentenac@reedsmith.com				
	Also Present:				
	Eli Good, videographer				

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<p style="text-align: right;">Page 70</p> <p>1 work. It's not I get to do it on my own time. I have 2 to show up and be here all day.</p> <p>3 Q. So if -- when you testify in trial in this 4 matter, assuming counsel decides to call you to trial, 5 you're going to be charging them \$6,800 a day for the 6 trial, right?</p> <p>7 A. That's right.</p> <p>8 Q. Let's just go through this. So the first -- 9 you have two hours for "meeting to discuss cases" on 10 June 11th, 2014; is that right? That's the first entry?</p> <p>11 A. First entry, yes, "meeting to discuss cases."</p> <p>12 Q. And who were you meeting with?</p> <p>13 A. Henry Garrard and Leigh O'Dell.</p> <p>14 Q. Where was that meeting?</p> <p>15 A. In my office at Stanford.</p> <p>16 Q. And was that the first time that you had ever 17 been retained in connection with any sort of litigation 18 involving transvaginal mesh products?</p> <p>19 A. Yes. Besides the phone calls that led up to, 20 you know, "Can we meet?"</p> <p>21 Q. And I don't -- the reason I'm asking is 22 because I don't see any billings for phone calls. So 23 were those just sort of preliminary scheduling calls, 24 nothing substantive?</p> <p>25 A. That's right. Yeah.</p>	<p>1 A. Right.</p> <p>2 Q. What does that mean?</p> <p>3 A. They sent a lot of cases, boxes of cases, for 4 me to review. So I think I had -- I have in my office 5 now 90-some explant cases, and I've not reviewed all of 6 them at this point, but I reviewed a large percentage of 7 them. I think probably close to 60 that -- you know, 8 the majority of which are not the patients that we're 9 talking about today, just to get an overview of the 10 detailed findings.</p> <p>11 Looking at medical records -- I did get 12 medical records on some of those patients just to see 13 what kinds of links there are. Because in the 14 standard -- the standard of care for looking at mesh 15 cases is not an in-depth review of the medical record.</p> <p>16 And the question here is: Can I -- can I explain 17 clinical symptoms by the histology that's present? And 18 so that was my initial preliminary case review, 19 essentially.</p> <p>20 Q. Let me see if I just understand this. So you 21 received -- when you say you received boxes of cases, 22 you got -- did you get pathology slides for those cases?</p> <p>23 A. Yes.</p> <p>24 Q. And then you also got medical records for 25 those cases, correct?</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Now, when you first met at that time, 2 had you already been retained in these cases? Do you 3 understand what I mean by that?</p> <p>4 A. No, I had not. I don't think. No, I don't 5 think I had. Because I -- I hadn't said, yes, I want to 6 do this.</p> <p>7 Q. And at what point in terms of this, you know, 8 chronology of events here in the billing did you 9 actually say, yes, I want to do this?</p> <p>10 A. I believe it was -- at the end of the meeting 11 I said, "Hey, I'm interested. I reviewed the 12 literature." And I believe there was follow-up 13 afterwards that -- you know, I showed my rate agreement, 14 and we agreed that I would serve as their expert.</p> <p>15 Q. Okay. So are you saying that you reviewed 16 some literature before the meeting on June 11th?</p> <p>17 A. I did do a brief literature search, yes.</p> <p>18 Q. That was on your own?</p> <p>19 A. On my own.</p> <p>20 Q. Okay. And after the meeting, it looks like 21 you reviewed some more literature on -- in July of this 22 year, correct?</p> <p>23 A. Correct.</p> <p>24 Q. All right. And you said "literature review</p> <p>25 and preliminary case review," ten hours and a quarter.</p>	<p>1 A. Yes.</p> <p>2 Q. And -- but you're not here testifying about 3 those individual cases --</p> <p>4 A. Correct.</p> <p>5 Q. -- today? You're only talking about seven 6 plaintiffs, right?</p> <p>7 A. Correct.</p> <p>8 Q. But am I -- is it fair to say that in terms of 9 your opinions that you're offering here today, you are 10 relying on your review -- or are you relying on your 11 review of what was in the other boxes for the 90 cases?</p> <p>12 A. I think they've added to my experience. And 13 so what -- what I was interested in seeing was: Are 14 these findings consistent? And they -- they appear to 15 be very consistent. So, you know, many of the mesh 16 cases I was looking at had very consistent findings 17 histologically.</p> <p>18 Q. And do you know how those 90 cases were 19 selected for you?</p> <p>20 A. Patients complained of some -- either erosion 21 or pain or some other clinical symptoms. They were 22 removed.</p> <p>23 Q. Okay. I think you -- and it could be because 24 it was a bad question, so I apologize for that.</p> <p>25 What I'm asking is: Do you know the -- the --</p>

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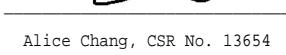
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<p>1 sort of how those particular cases were selected -- 2 And let me back up and ask you: Do you have 3 any kind of understanding as to how many cases there are 4 that are pending around the country, these mesh cases? 5 A. I think hundreds, if not thousands. I 6 don't -- 7 Q. Okay. And -- 8 A. A lot. 9 Q. And let's just assume for the moment that 10 there are thousands. You got 90, right, to review? 11 A. Yes. 12 Q. Do you know how those 90 were selected out of 13 the thousands of cases for you to review? 14 A. No. 15 Q. And did you ask counsel whether or not you 16 could see the rest of the cases? To review? 17 A. The thousands? No. I could not have fit them 18 all in my office. I -- I trusted that they were a slice 19 of the kinds of cases that have come through and, you 20 know, the level of consistency that I was seeing makes 21 me think the findings are very similar in explanted mesh 22 for symptoms. 23 Q. Now, you said something in -- this morning, 24 it's still this morning, I guess. But you said 25 something earlier. About -- I wrote down "60 surgical</p>	<p>Page 74</p> <p>1 the explant? 2 A. Pathologists don't generally prepare slides. 3 The histotechnologists in the laboratory do. So we 4 select what tissue to put in cassettes, and then it gets 5 sent to a laboratory that makes the slides. And then we 6 look at the slides. 7 Q. Okay. And, again, that was showing kind of my 8 broader level of -- that's what I meant, but I didn't 9 quite ask it that way. So I'm glad you clarified. 10 Now, back to that. 11 A. Okay. 12 Q. Have you ever done that with the -- with a 13 transvaginal mesh product? 14 A. Made the gross tissue selection? 15 Q. Correct. 16 A. No. And often I think the -- you get small 17 pieces, only, that are removed. 18 We also have pathology assistants and 19 residents who do most of the gross examination. 20 Q. In terms of any of the opinions that you're 21 going to offer today concerning degradation of 22 polypropylene, is it -- am I correct that you are not a 23 biomaterials expert? 24 A. I'm an expert in the pathology of the tissue 25 response to biomaterials, in that sense. But I don't</p>
<p>Page 75</p> <p>1 explants that were previously part of litigation that 2 were examples of vaginal mesh" in terms of other vaginal 3 mesh cases that you've been involved in -- I'm not 4 talking about litigation cases. I'm talking about 5 pathology examinations. Do you recall that testimony? 6 A. So repeat it again, that I had seen 60 -- 7 Q. Yeah. Let me -- 8 A. What were they associated with? 9 Q. Yeah. Let me -- and you know what, rather 10 than go back to what you said, which I could have easily 11 written down wrong, let me ask you this way. 12 So aside from the 90 cases that you were given 13 that are back in your office, aside from these cases -- 14 And are these cases part of the 90, the 7? 15 A. Yes. 16 Q. Okay. So you've reviewed less than 100 17 litigation mesh cases and files, right? 18 A. Sure. Yes. 19 Q. Aside from those, how many pathology files and 20 records of mesh explants have you -- had you seen in 21 your normal practice? About -- we already established 22 that, about 10 to 12? 23 A. We did, yes. Exactly. 24 Q. Have you ever been involved in actually 25 getting the actual explant and preparing the slides from</p>	<p>Page 77</p> <p>1 study biomaterials for a living. 2 Q. And you have no -- you hold no PhDs or 3 advanced educational degrees in the field of 4 bioengineering, biomaterials, or polymers, correct? 5 A. No. I'm a pathologist. 6 Q. And -- you know, bear with me, Doctor, here, 7 because this going to help me figure out what you are 8 going to talk about and what you're not going to talk 9 about at trial. So that's why I'm doing this. So I'm 10 going to go through a process of elimination here to try 11 to figure that out. Okay? 12 You are not a urogynecologist and you have no 13 expertise in urogynecology, correct? 14 A. I am a pathologist. I am not a 15 urogynecologist. 16 Q. And you're not a urologist? 17 A. No, I'm not a urologist. 18 Q. And you are not an obstetrician or 19 gynecologist, correct? 20 A. That's correct. 21 Q. And you are not an expert in regulatory 22 compliance issues as it pertains to the clearance or 23 approval of medical devices; is that fair? 24 A. That's correct. 25 Q. You did not perform any analysis of the actual</p>

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<p>1 REPORTER'S CERTIFICATION</p> <p>2</p> <p>3 I, Alice Chang, Certified Shorthand Reporter in and</p> <p>4 for the State of California, do hereby certify:</p> <p>5</p> <p>6 That the foregoing witness was by me duly sworn;</p> <p>7 that the deposition was then taken before me at the time</p> <p>8 and place herein set forth; that the testimony and</p> <p>9 proceedings were reported stenographically by me and</p> <p>10 later transcribed into typewriting under my direction;</p> <p>11 that the foregoing is a true record of the testimony and</p> <p>12 proceedings taken at that time.</p> <p>13</p> <p>14 IN WITNESS WHEREOF, I have subscribed my name this</p> <p>15 2nd day of November, 2014.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20 Alice Chang, CSR No. 13654</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 350</p> <p>1 ERRATA</p> <p>2 I, the undersigned, do hereby certify that I have read the</p> <p>3 transcript of my testimony, and that</p> <p>4 _____ There are no changes noted.</p> <p>5 _____ The following changes are noted:</p> <p>6</p> <p>7 Pursuant to Rule 30(7)(e) of the Federal Rules of Civil</p> <p>8 Procedure and/or OCGA 9-11-30(e), any changes in form or</p> <p>9 substance which you desire to make to your testimony shall</p> <p>10 be entered upon the deposition with a statement of the</p> <p>11 reasons given for making them. To assist you in making any</p> <p>12 such corrections, please use the form below. If additional</p> <p>13 pages are necessary, please furnish same and attach.</p> <p>14 Page _____ Line _____ Change _____</p> <p>15 _____</p> <p>16 Reason for change _____</p> <p>17 Page _____ Line _____ Change _____</p> <p>18 _____</p> <p>19 Page _____ Line _____ Change _____</p> <p>20 _____</p> <p>21 Reason for change _____</p> <p>22 Page _____ Line _____ Change _____</p> <p>23 _____</p> <p>24 Reason for change _____</p> <p>25 _____</p>
<p>1</p> <p>2 TO: Kimberly Allison, M.D.</p> <p>3 Re: Reading and Signing Your Deposition Transcript</p> <p>4 Date Errata due back at our offices: 12/3/2014</p> <p>5</p> <p>6 Greetings:</p> <p>7 You have reserved the right to read and sign your</p> <p>8 deposition transcript. Please review the attached</p> <p>9 PDF transcript, noting any changes or corrections</p> <p>10 on the attached PDF Errata. You may fill out the</p> <p>11 Errata electronically or print and fill out manually.</p> <p>12</p> <p>13 The PDF files open with Adobe Reader. If you need help</p> <p>14 opening these files, please see the instructions in the</p> <p>15 cover letter of this email.</p> <p>16</p> <p>17 Once you have completed your Errata, please print it, sign</p> <p>18 it, and have the document notarized in the place provided.</p> <p>19</p> <p>20 When the signed Errata is returned to us, we will seal</p> <p>21 and forward to the taking attorney to file with the</p> <p>22 original transcript. We will also send copies of the</p> <p>23 Errata to all ordering parties.</p> <p>24</p> <p>25 If the signed Errata is not returned within the time</p> <p>below, the original transcript may be filed with the</p> <p>court without your signature.</p> <p>26</p> <p>27</p> <p>28 Please send completed Errata to:</p> <p>29 Tiffany Alley Global Reporting & Video</p> <p>30 730 Peachtree St. NE, Ste 470</p> <p>31 Atlanta, GA 30308</p> <p>32 (770) 343-9696</p> <p>33</p>	<p>Page 351</p> <p>1</p> <p>2 Page _____ Line _____ Change _____</p> <p>3 _____</p> <p>4 Reason for change _____</p> <p>5 _____</p> <p>6 Page _____ Line _____ Change _____</p> <p>7 _____</p> <p>8 Reason for change _____</p> <p>9 Page _____ Line _____ Change _____</p> <p>10 _____</p> <p>11 Reason for change _____</p> <p>12 Page _____ Line _____ Change _____</p> <p>13 _____</p> <p>14 Reason for change _____</p> <p>15 Page _____ Line _____ Change _____</p> <p>16 _____</p> <p>17 Reason for change _____</p> <p>18 Page _____ Line _____ Change _____</p> <p>19 _____</p> <p>20 DEPONENT'S SIGNATURE</p> <p>21</p> <p>22 Sworn to and subscribed before me this _____ day of</p> <p>23 _____, _____.</p> <p>24 NOTARY PUBLIC</p> <p>25 My Commission Expires: _____</p>